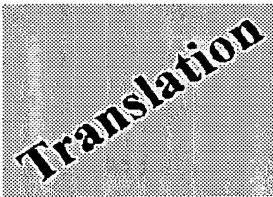


10/551339



PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2003P00537WO	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/EP2004/003607	International filing date (day/month/year) 05.04.2004	Priority date (day/month/year) 04.04.2003
International Patent Classification (IPC) or national classification and IPC		
Applicant BSH BOSCH UND SIEMENS HAUSGERÄTE GMBH		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/003607

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-8 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-10 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/2-2/2 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/003607

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	3-9	YES
	Claims	1, 2, 10	NO
Inventive step (IS)	Claims		YES
	Claims	1-10	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

1. This report makes reference to the following documents:

D1: GB 2 133 867 A (NEWTECH CONTROLS LTD)
1 August 1984 (1984-08-01)

D2: US 3 726 104 A (HOWLAND L) 10 April 1973
(1973-04-10)

D3: DE 14 01 478 A (BAKOS NAKOLAUS) 24 October
1968 (1968-10-24)

D4: FR 2 459 949 A (STIEBEL ELTRON GMBH & CO KG)
16 January 1981 (1981-01-16)

D5: US 3 062 019 A (HUPFER LLOYD G ET AL)
6 November 1962 (1962-11-06)

D6: EP-A-0 563 724 (WHIRLPOOL EUROP) 6 October
1993 (1993-10-06)

2. The present application does not meet the requirements of PCT Article 33(1) because the subject matter of independent claims 1 and 10 lacks novelty (PCT Article 33(2)).

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
2.1	<p data-bbox="399 363 760 390">INDEPENDENT CLAIM 1</p> <p data-bbox="399 464 1256 541">Document D6 discloses (the references between parentheses refer to that document):</p> <p data-bbox="399 611 1354 1381">refrigeration appliance comprising a thermally insulating housing (figures 1 and 2) which encloses an inner chamber (100) and an evaporator (110) which is disposed in an air duct (103) that communicates with the inner chamber (100), a heating device (21) for heating the evaporator (110) and a control circuit (25) for controlling operation of the heating device (21), the control circuit (25) being connected to a measuring device arranged in the air duct (column 7, lines 30-46) for delivering a measuring signal that is representative of the air flow through the duct (103) and being configured to start operation of the heating device when the detected air flow falls below a threshold value (column 7, lines 39-43).</p> <p data-bbox="399 1451 1338 1629">The subject matter of claim 1 is also known from D1-D5 (see the international search report). The subject matter of claim 1 thus lacks novelty (PCT Article 33(2)).</p>
2.2	<p data-bbox="399 1696 781 1724">INDEPENDENT CLAIM 10</p> <p data-bbox="399 1797 1260 1927">The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 10 lacks novelty (PCT</p>

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

Article 33(2)).

Document D6 discloses (the references between parentheses refer to that document):

method for controlling the defrosting of an evaporator in a refrigeration appliance, comprising the following steps:

- estimating the air flow through a duct (103) in which the evaporator (110) is disposed; and
- triggering a defrosting process when the estimated air flow falls below a threshold value (column 7, lines 30-46).

The subject matter of claim 10 is also known from D1-D5 (see the international search report). The subject matter of claim 10 thus lacks novelty (PCT Article 33(2)).

2.3 DEPENDENT CLAIMS 2-9

Claims 2-9 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty (claim 2: D6) and inventive step (claims 3-9: D1-D5).

3. The subject matter of the current claims is industrially applicable in the field of refrigeration appliances.